

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
EASTERN DIVISION

MARLOS MANN,

Petitioner,

v.

No. 1:17-cv-01113-JDB-jay

UNITED STATES OF AMERICA,

Respondent.

ORDER GRANTING MOTION TO SUPPLEMENT § 2255 PETITION
AND
DIRECTING THE CLERK TO MODIFY THE DOCKET

On June 12, 2017, Petitioner, Marlos Mann, filed a motion to vacate, set aside, or correct his sentence (the “Petition”), pursuant to 28 U.S.C. § 2255. (Docket Entry (“D.E.”) 1.) Respondent, United States of America, filed a response to the Petition, (D.E. 7), and Mann filed a reply, (D.E. 8). On August 28, 2019, Petitioner filed a document styled “Supplement to 28 U.S.C. § 2255 Motion.” (D.E. 15.) Although it was docketed as “Pro Se Motion for Ruling,” the motion requests resentencing pursuant to the Sixth Circuit decision in *United States v. Havis*, 927 F.3d 382 (6th Cir. 2019) (en banc) (per curiam). The Court therefore construes the document as a motion for leave to supplement the Petition to add a claim under *Havis*.¹ The motion is GRANTED. The Court will consider the applicability of *Havis* in this collateral proceeding when it addresses the merits of the Petition. No additional briefing from Respondent is necessary.

IT IS SO ORDERED this 15th day of October 2019.

s/ J. DANIEL BREEN
UNITED STATES DISTRICT JUDGE

¹ The Clerk of Court is DIRECTED to rename the document at D.E. 15 as “Motion for Leave to Supplement Petition.”